

**AMENDMENTS TO THE DRAWINGS**

By this Amendment, Applicant submits two pages of Replacement Drawings (FIGS. 2a, 2b, 2c, 2d, 2e and 5) and two pages of New Drawings (FIGS. 6, 7, 8, 9a, 9b, and 9c) in accordance with 37 C.F.R. §§ 1.81, 1.83, and 1.84.

Attachments: 2 Replacement Drawing Sheets; 2 New Drawing Sheets

## **REMARKS**

### **I. INTRODUCTION**

Claims 1-33 are pending in the application. The Applicants gratefully acknowledge the indication of allowable subject matter in claims 1-32, notwithstanding the informalities noted in the Office Action. By this Amendment, claims 1-28 and 30-32 have been amended to more particularly recite the features of the polymer energy absorber and to correct informalities. New claim 33 is added. Furthermore, Applicants hereby amend the specification and drawings in response to the objections set forth in the Office Action as well as to correct other minor informalities. A Substitute Specification (including both clean and marked-up copies), two sheets of Replacement Drawings (FIGS. 2a, 2b, 2c, 2d, 2e, and 5), and two sheets of New Drawings (FIGS. 6, 7, 8, 9a, 9b, and 9c) are attached. In view of the foregoing amendments and following remarks, it is respectfully submitted that the application is in condition for allowance. Reconsideration is respectfully requested.

### **II. PRIORITY**

Numbered paragraphs 1-2 on pages 2-3 of the Office Action dated January 16, 2007, provide information regarding proper priority benefit claims under 35 U.S.C. §§ 119(e), 120, 121, or 365(c). Although the Office Action does not *expressly* state that the present application lacks a proper benefit claim, the Applicants have inferred as much from the mere inclusion of the guidelines. The Applicants respectfully note, however, that an Application Data Sheet (ADS) was filed with the application on March 21, 2005, in accordance with 37 C.F.R. § 1.76. The ADS includes a specific reference to prior-filed international and foreign priority applications (e.g., the ADS states that "This Appln. is a National Stage of PCT/EP2003/009853 [filed] September 5, 2003" and further claims Foreign Priority of German Patent Application No. 10243460.3, filed September 19, 2002). Pursuant to M.P.E.P. § 601.05, the ADS is considered part of the application and the specific reference to an earlier filed application in the application data sheet satisfies the "specific reference" requirement of 35 U.S.C. §§119(e)(1) or 120, and it also complies with 37 CFR 1.78(a)(2) (iii) or (a)(5)(iii). Thus, a specific reference does not otherwise have to be made in the specification, such as in the first sentence(s) of the specification. In any event, the Office Action Summary page acknowledges Applicants' claim for foreign priority as well as the receipt of a copy of the certified

copy of the foreign priority document from the International Bureau. No other papers or benefit claims are believed to be required.

### **III. SPECIFICATION**

In paragraph 4 on page 4 of the Office Action, the specification is objected to because several references are made therein with respect to the claims (e.g., at paragraph 39, line 3; paragraph 58, line 3; paragraph 60, line 2). By this Amendment, Applicant hereby submits a Substitute Specification in accordance with 37 C.F.R. § 1.125 to remove all references to the claims and to correct other minor informalities. The Substitute Specification also includes brief descriptions of, and citations to, the embodiments shown in new figures 6, 7, 8, 9a, 9b, 9c (discussed further below in Section IV). Both clean and marked-up copies of the Substitute Specification are attached. 37 C.F.R. § 1.125(c). No new matter is entered.

### **IV. DRAWINGS**

In paragraph 3 on pages 3-4 of the Office Action, the drawings are objected to under 37 C.F.R. § 1.83(a), ostensibly for failing to show every feature of the invention specified in the claims. Specifically, the Office Action points to the following features: "the tube being composed of at least two layers of the same and/or different layer thickness, the metal inlay, textile reinforcement, and the arrangement of the metal base plate which allow [sic] the chip removing elements to move along the inside surface of the polymer tube." Accordingly, by this Amendment, Applicants submit herewith two New Drawing Sheets including new FIGS. 6, 7, 8, 9a, 9b, and 9c. No new matter is entered.

FIG. 6. shows a cross section through a tube-shaped polymer energy absorber according to an embodiment having two polymer layers. FIG. 7 shows a cross section through a tube-shaped polymer energy absorber according to an embodiment having two polymer layers and a metal inlay. FIG. 8 shows a cross section through a tube-shaped polymer energy absorber according to an embodiment having two polymer layers and a textile reinforcement. FIGS. 9a, 9b, and 9c, are substantially the same as FIGS. 2a, 2b, and 2d, respectively, except that the chip-removing elements 2b are arranged to contact an inside surface of the polymer tube 3 rather than the outside surface thereof. Support for that which is shown in new FIG. 6 can be found, for example, at page 8, paragraph 00023 in the originally filed disclosure and/or in claim 13 (*see also* page 15, paragraph

00055). Support for that which is shown in new FIGS. 7 and 8 can be found, for example, at page 9, paragraph 00026 in the originally filed disclosure and/or in claim 15. Support for that which is shown in new FIG. 9a, 9b, and 9c can be found, for example, at page 10, paragraph 00032 in the originally filed disclosure and/or in claim 21 (*see also* page 16, paragraph 00059 and FIGS. 3e-h).

Furthermore, by this Amendment, two Replacement Drawing Sheets are submitted including corrections to FIGS. 2a, 2b, 2c, 2d, 2e, and 5 such that the figures show element 3 having cross-hatching associated with a polymer. No new matter is added.

Consideration, entry, and acceptance of the new and corrected drawings is respectfully requested.

**V. CLAIM OBJECTIONS**

In numbered paragraph 5 at the top of page 5 of the Office Action, claim 28 is objected to because it includes the use of reference numerals without the use of parentheses. By this Amendment, claim 28 is amended to remove all reference numerals and to correct other minor informalities for purposes of consistency and clarity.

**VI. CLAIM REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

In numbered paragraph 7 on pages 5-6 of the Office Action, claims 2, 6, 7, 8, 10, 14, 15, 21, and 31 are rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is respectfully traversed. Nevertheless, in the interests of expediting prosecution, claims 1-28 and 30-32 are hereby amended to more particularly recite the features of the polymer energy absorber and to correct other minor informalities. Reconsideration and withdrawal of the rejections are respectfully requested.

**VII. NEW CLAIM 33**

By this Amendment, new claim 33 is added. Support for new claim 33 is provided, for example, by at least FIGS. 2a-2e and the written description associated therewith.

**VIII. CONCLUSION**

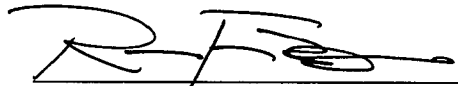
Claims 1-33 are pending in the application. All of the stated grounds of objection and rejection are believed to have been properly overcome, traversed, or rendered moot. Furthermore, the present Amendment is believed to be fully responsive to the Office Action dated January 16, 2007. The Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. An early notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that a personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration on the merits is respectfully requested.

Respectfully submitted,

Date: 6/18/07



Robert Kinberg

Registration No. 26,924

Ryan M. Flandro

Registration No. 58,094

VENABLE

P.O. Box 34385

Washington, D.C. 20043-9998

Telephone: (202) 344-4000

Telefax: (202) 344-8300

DC2DOCS1/862627